THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.14569 of 2007

DATED : 16-07-2007

Between :

M.A. Raheem Khan

…Petitioner.

AND

The Government of Andhra Pradesh,
Rep.by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and 2 others.

…Respondents.

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.14569 of 2007

ORAL ORDER : (per the Hon'ble Sri Justice D.Appa Rao)

Heard learned counsel for the petitioner and the learned Assistant Government Pleader, representing the Advocate General appearing for the respondents.

2. This writ petition of Habeas Corpus is filed by the petitioner seeking a direction to the second respondent-police to produce his wife – T.Soujanya, who is in the custody of the third respondent-father.

The petitioner states that he married T.Soujanya on 04-04-2007 at Sri Venkateshwara Swamy Devasthanam, Dwaraka Thirumala, West Godavari District and after returning to Hyderabad, they appeared before the Station House Officer, Musheerabad Police Station, where the police have threatened to register a case against them and forcibly handed over his wife to her parents, in spite of disclosing the fact that both of them were married each other.

3. The Inspector of Police, Musheerabad Police Station, Hyderabad, filed counter affidavit, *inter alia*, stating that a case in Crime No.84 of 2007 under the head 'Girl Missing' was registered by Musheerabad Police Station. During the course of investigation, the alleged detenu and the petitioner were present before the Police Station on 07-04-2007, wherein the alleged detenu stated that she married the petitioner on 04-04-2007 at Sri Venkateshwara Swamy Devasthanam, Dwaraka Thirumala, West Godavari District and that the petitioner did not kidnap her.

4. Pursuant to the notices issued by this Court, the police have produced the alleged detenu before this Court. Her parents as well as the petitioner were also present before this Court.

5. When questioned by this Court, Smt. T.Soujanya, the alleged detenu, informed that she has become major having
23 years of age and passed B.Com. She also stated that she married the petitioner and intends to go along with him. When questioned, the petitioner also stated that he would take her along with him. When questioned, the parents of the alleged detenu represented that they are unaware of the marriage of their daughter with the petitioner and since she has become major, it is open to her to take a decision.

6. In view of the representation made by the alleged detenu that she is willing to go along with her husband, who is the petitioner herein, she is given liberty to go with whomsoever she intends to go.

7. Under the above circumstances, no further order need be passed in the writ petition and the same is liable to be closed.

8. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

_____
JUSTICE D.S.R.VARMA

_____
JUSTICE D.APPA RAO

16-07-2007
Msr.

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.14569 of 2007

16-07-2007
(Msr)